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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,757	11/25/2003	Ian Norquay	85209-102 RWD	2769
23529	7590	07/28/2006	EXAMINER	
ADE & COMPANY INC. P.O. BOX 28006 1795 HENDERSON HIGHWAY WINNIPEG, MB R2G1P0 CANADA			BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/720,757	NORQUAY, IAN	
	Examiner	Art Unit	
	Anne Marie M. Boehler	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 21-25 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 9 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 26, 2005.

2. Claims 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, second line from the end, "inwardly" should be -outwardly-.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish (PGPub 2002/0017770) in view of Hosford (2,872,213)

Parrish shows a support device that can be mounted to a wall or a floor surface and has a support receiver 22 configured to receive a hitch-mountable rack or support. Figure 10a shows one embodiment where the receiver 22 is pivotable relative to its planar mounting frame 20. The receiver has apertures 22a, 22b through which a pin 32 is inserted to lock a hitch mounting member 18 in the receiver. The frame includes at least three holes 86a-f for receiving pins 90a-f to secure the frame to a surface.

Parrish shows all of the claimed features except means for fixing the receiver in fixed positions including a stop member and cooperating apertures for locking the support receiver in respective positions.

Hosford shows a hitch receiver 12 that is pivotally mounted to a support frame 10. A stop member 40 is selectively receivable in apertures 26, 30, 34 in the receiver and frame for selectively maintaining the receiver in respective positions.

It would have been obvious to one of ordinary skill in the art to provide the Parrish device with a stop member and apertures for locking the receiver in respective positions, as taught by Hosford, in order to prevent unintended pivoting of the receiver.

Parrish teaches the use of a receiver sized for standard hitch members. In paragraph 0004, Parrish suggests the receiver can have a 1.25" opening, but it is silent regarding the external dimension. However, it would have been obvious to one of ordinary skill in the art to configure the outer dimension to be 1.5", for a 1.25" inner dimension in order to use a standard .125 thick material for the tubing.

5. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish and Hosford, as applied to claims 1-4 and 10-13 above and in view of Botkin (USPN 5,492,228)

Parrish lacks a T-shaped frame.

Botkin shows a floor-mounted stand or rack including a frame having a main support member 16, a cross member 30 and multiple receivers 40 (one closer to the cross member than the other). The cross member is removable from the main support member.

It would have been obvious to one of ordinary skill in the art to configure the Parrish frame with multiple disassemble parts, including longitudinal and cross members, as taught by Botkin, in order to increase the strength and versatility of the device.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lebee (FR 2,689,468).

Lebee shows a support device in Figure 2 with a wall-mountable T-shaped frame, a receiver 130 and a cross member 110 that is attached to a wall using a pair of hangers. It fails to teach using hooks to hang the cross member. However, it is old and well known and would have been obvious to use hooks to mount wall fixtures, in order to facilitate hanging.

7. Claims 21-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Applicant's arguments filed March 15, 2006 have been fully considered but they are not persuasive.

Applicant argues that none of the prior art teaches a receiver that can be mounted to a floor or wall for storage. In particular, he indicates that Parrish lacks structure for fixedly mounting the receiver to the frame. The examiner disagrees. Parrish shows a hitch receiver that can be mounted to any surface. It specifically indicates that the receiver frame can be mounted to any wall of a garage or to a surface on a vehicle. It teaches a number of embodiments where the receiver is fixedly mounted to a support frame and one embodiment where the receiver is pivotally

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mounted to be repositionable. Applicant indicates that the pivotal connection is only to increase accessibility and not to provide multiple storage positions. However, Parrish does not indicate that the pivotal connection is limited to that use. Parrish is silent, however, regarding providing means for fixing the position of the receiver. Means for fixing the position of a pivotal receiver, however, a very well known. Hosford provides only one example of a pin connection for fixing the position of a hitch receiver. Since most of the Parrish embodiments include a fixed position of the receiver, it would have been obvious to provide a means for fixing the receiver in each of its adjusted positions using a pin connection as taught by Hosford, in order to prevent movement of the receiver when stored, particularly on a moving vehicle. Therefore, the rejection is being maintained.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/30/20

Anne Marie M Boehler
Primary Examiner
Art Unit 3611

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